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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION N
09/976,837	10/15/2001	Mark Wojtkiewicz	FSHR-037/00US	1710
22903	7590	10/01/2004	EXAMINER	
COOLEY GODWARD LLP ATTN: PATENT GROUP 11951 FREEDOM DRIVE, SUITE 1700 ONE FREEDOM SQUARE- RESTON TOWN CENTER RESTON, VA 20190-5061			MATHEW, FENN C	
			ART UNIT	PAPER NUMBER
			3764	
DATE MAILED: 10/01/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/976,837

Applicant(s)

WOJTKIEWICZ ET AL.

Examiner

Fenn C Mathew

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 29,32-49 and 51-58 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 29,32-35 and 54-58 is/are allowed.
- 6) ☒ Claim(s) 36-39,43,46,47,49 and 51 is/are rejected.
- 7) ☒ Claim(s) 40-42,44,45,48,52 and 53 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 36-39, 43, 46-47, 49, 51, are rejected under 35 U.S.C. 102(b) as being anticipated by Puranda (U.S. 5,899,835). As broadly claimed by the applicant, Puranda discloses an elongate member (16), a footrest (30), a first member capable of engaging with the ground (46), and a second ground engaging member (4) releasably coupleable to the first ground engaging member, the second ground engaging member having a circular flat, contact portion, the contact portion disposed at or below the lower surface of the first ground engaging member, the contact portion including a plurality of ground engaging contact points spaced laterally from an axis (inherently since the entire base can be ground engaging, there will inherently be a plurality of contact points), and a coupler (70) including a first portion and a second portion removably coupleable to the first portion of the coupler, the coupler disposable on the second ground engaging means. As broadly claimed, Puranda discloses a rim, portion of which engages with the first member. Puranda further teaches the first member having a contoured surface (absent further limitation, Puranda broadly teaches a contoured outer surface), which may frictionally engage with a contoured inner surface of the coupler.

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3. Referring to claim 46, 47, 49, and 51, Puranda discloses an elongate pole, a footrest, a tip having a lower surface, a base releasably coupleable to the lower end of the elongate pole, the base including a lower surface for contacting the ground surface and an upper surface for releasably coupling the base to the pole, the lower surface of the base having a second contact surface area larger than the first contact surface area and a coupling member as discussed in the above paragraph. As broadly read, Puranda discloses the coupler adapted to engage the tip, with the coupler including a sleeve portion and rim formed at the end. Puranda further discloses the lower surface is circular and flat.

***Allowable Subject Matter***

4. Claims 29, 32-35, and 54-58 allowed. The prior art of record fails to teach an elongated member having a footrest, a first ground engaging member disposed at the end of the elongated member, a second ground engaging member having an opening, a coupler releasably coupled to the first ground engaging member, the first ground engaging member having an annular ring engaging with an annular groove of the coupler, wherein the first member and coupler are engaged with the opening of the second ground engaging member.

5. Claims 40-42, 44-45, 48, 52-53 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

6. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection. Specifically, Applicant has failed to distinctly claim the relationship between the first ground engagement member, coupler, and second ground engagement member. A lack of recitation of a recess in second ground engagement member for receiving the first ground engagement member and coupler has forced Examiner to read the claims as broadly as possible. In light of the broadness of Applicant's claims, Puranda as disclosed above meets the limitations.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fenn C Mathew whose telephone number is (703) 305-2846. The examiner can normally be reached on Monday - Friday 9:00am - 5:30pm.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*fcm*

fcm

September 27, 2004

*JY*

JUSTINE R. YU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700

9/28/04